

**16.11.2024**

Present: Plaintiff in person.  
Defendant no. 1 in person.  
Defendant no. 2 in person with Id. counsel Sh. Gagan Kumar Singhal (through VC) with Ms. Ria Verma, Id. Counsel for defendant no. 2 (present in court).

An application u/o 22 rule 10 r/w order 1 rule 10 r/w section 151 CPC filed on behalf of defendant no. 2 for impleading Smt. Sarita Sharma, Sh. Jai Bhagwan Saini and Smt. Sapna as defendant no. 3A, 3B and 3C is pending for disposal.

Counsel for defendant no. 2 submits that said proposed defendants have been served through publication and he has filed an application u/s. 151 CPC to place on record newspaper publication alongwith supporting affidavit filed.

Perusal of newspaper shows that proposed defendants 3A and 3B Sarita Sharma and Jai Bhagwan Saini have been served through publication in the newspaper “Haribhoomi” dated 17.09.2024 and Smt. Sapna has been served through publication in the newspaper “Rashtriya Sahara, Delhi Edition” dated 17.09.2024.

Defendant no. 3B has also been served on his address at Haridwar in newspaper Rashtriya Sahara dated 17.09.2024.

Despite service through publication, the proposed defendants have not appeared. No reply has been filed on their behalf. Perusal of record shows that all proposed defendants are the subsequent purchasers of part of suit property.

In such circumstances, present application u/o 22 rule 10 r/w order 1 rule 10 r/w section 151 CPC stands disposed off as allowed. All proposed defendants no. 3A to 3C are impleaded as parties in the present case. They are directed to file their WS as per rules with advance copy to the other side.

Defendant no. 1 has filed the details of DEMAT account of defendant no. 1 alongwith copy of PAN of defendant no. 1 and copy of PAN of HUF of defendant no. 1. Perusal of the statement shows that the title on the statement has been mentioned as Divyanshu Pandit V/s. Indu Shekhar Sharma and Ors. instead of the title of the present suit. Ld. Counsel for defendant no. 1 submits that the same has been mentioned inadvertently. Perusal of the statement further shows that DEMAT ID of all the DEMAT accounts have not been mentioned. Further the details of shares held by defendant no. 1 in these accounts and their value has also not been mentioned in the statement. The statement is also not supported with affidavit. It appears that defendant no. 1 is deliberately trying to conceal the details of assets and is not complying the order of this court. **Defendant no. 1 ensures to file affidavit in the present suit disclosing all his movable and immovable assets within 01 week's time. Defendant no. 1 is directed to file the said affidavit mentioning all bank accounts, all DEMAT accounts, Fixed deposits, Mutual Funds, Shares, any other movable and immovable assets of defendant no. 1. Defendant no. 1 is further directed to file statement of all the bank accounts and all the DEMAT accounts and mutual fund portfolio w.e.f. 01.04.2020 till date alongwith the above mentioned affidavit within one week with advance copy to the other side.**

Defendant no. 2 has also filed an application u/s. 151 CPC seeking direction to call records of all bank accounts and other documents as mentioned in the application. Copy supplied. Reply, if any, to the said application be filed by other sides within 04 weeks with advance copy to the other side.

At this stage, counsel for defendant no. 1 requests that the matter may be referred to mediation for settlement.

Defendant no. 2 submits that he is open to mediation talks however, proceedings shall not be stayed as the plaintiff has already availed two opportunities for mediation which remained unfruitful.

Defendant no. 1 is directed to comply with the above directions.

Put up before Ld. Mediation incharge to explore the possibility of settlement today itself i.e. on **16.11.2024 at 02:00 PM.**

Put up before this court for recording of settlement, if any, on **07.12.2024.** In case mediation fails, matter be listed for filing of affidavit by defendant no. 1, filing of WS by defendants no. 3A to 3C and further proceedings.

**(Mohammad Ehtesham)**  
**DJ – 03, Shahdara District,**  
**Karkardooma Courts, Delhi**  
**16.11.2024**